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INTER-OFFICE COMMUNICATION

Palm Beach County, Fla.

TO: John Sansbury, County Administrator
Richard Ellington, County Attorney
Herbert Kahlert, County Engineer
David Bludworth, State Attorney
Basil S. Diamond, Asst. Attorney General
Sgt. L. Lee, Sheriff's Civil Office
Richard P. Willie, Sheriff
Robert Basehart, Director, Planning, Zoning & Bldg.
Bob Brockway, Director, Zoning Division
Charlie Vitunac, Assistant County Attorney

DATE: October 30, 1978

FROM: J. Paul Icard
Comptroller/Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE NO. 78-21 PROVIDING FOR REPEAL
OF ORDINANCE NO. 74-29 THE PALM BEACH COUNTY PEDDLERS AND ROAD-
SIDE STAND ORDINANCE.

In accordance with the request of the Board of County Commissioners enclosed
is a certified copy of subject Ordinance.

Signed

J Paul Icard

JPI:ph

Enclosure

cc: Commissioner Evatt
Commissioner Bailey
Commissioner Lytal
Commissioner Medlen
Commissioner Koehler
John B. Dunkle, Clerk
Minutes Department

ORDINANCE NO. 78- 21

AN ORDINANCE PROVIDING FOR REPEAL OF ORDINANCE
NO. 74-29 THE PALM BEACH COUNTY PEDDLERS AND
ROADSIDE STAND ORDINANCE; PROVIDING FOR TITLE;
PROVIDING FOR CERTAIN ACTS PROHIBITED WITHOUT
PERMIT; PROVIDING FOR REQUIREMENTS FOR PERMITS;
PROVIDING FOR REVOCATION OF PERMITS; PROVIDING
FOR VIOLATION OF ORDINANCE; PROVIDING FOR APPEAL;
AND PROVIDING FOR EFFECTIVE DATE

WHEREAS, Section 3(1) of Ordinance No. 74-29 directs that
"It shall be unlawful for any person, firm or corporation to
establish any tent, stand, booth, display, or park a trailer, auto
mobile or other vehicle or conveyance on any right-of-way of any
public road, recreational area, drainage district rights-of-way
of any roadside park or flood control district rights-of-way or
county-owned land within the unincorporated areas of Palm Beach
County, for the purpose of peddling or offering for sale goods,
wares, and merchandise," and

WHEREAS, as an exception to Section 3(1), Ordinance No.
74-29 allows the sale of vegetables or fruits on county-owned land
or county road rights-of-way lying within the unincorporated areas
of Palm Beach County as long as a permit is obtained from the
Department of Planning, Zoning and Building in conjunction with th
Engineering Department, subject to certain conditions, and

WHEREAS, the Board of County Commissioners on October 11,
1977 authorized the County Attorney's Office to amend this law to
include mobile food vendors as authorized exceptions to the
general prohibition as long as the mobile food vendors obtained th
same permit that fruit and vegetable vendors have to obtain, and

WHEREAS, Ordinance No. 74-29 addresses sales on any
county-owned land and not only rights-of-way as was intended and
thus needs to be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 SECTION 1 - REPEAL OF ORDINANCE IN CONFLICT:

2 Ordinance No. 74-29, the Palm Beach County Peddlers and
3 Roadside Stand Ordinance, is hereby repealed.

4 SECTION 2 - TITLE:

5 This ordinance may be cited as the "Roadside Stand
6 Ordinance".

7 SECTION 3 - CERTAIN ACTS PROHIBITED WITHOUT PERMITS:

8 Except when permitted by Section 4 of this ordinance
9 it is unlawful to make any commercial use of the rights-of-way
10 of any county-maintained road, including any appendages thereto.
11 Such prohibited uses include, but are not limited to, the sale or
12 display for sale of any merchandise, the servicing or repairing
13 of any vehicle except the rendering of emergency service, the
14 storage of vehicles being serviced or repaired on abutting property
15 or elsewhere, the solicitation for the sale of goods, property,
16 or services, or charitable purposes, or the display of advertising
17 of any sort.

18 SECTION 4.- REQUIREMENTS FOR PERMITS:

19 The sale of vegetables or fruits from stands, or ready-to-
20 eat foods from mobile vendors shall be allowed on the rights-of-
21 way mentioned in Section 3, provided that the seller first obtains
22 a permit from the Planning, Zoning and Building Department which
23 permit shall be issued only if the applicant shall have:

24 (A) Applied for the permit on a form provided by the
25 Planning, Zoning and Building Department.

26 (B) Signed a copy of the permit rules listed in Section 5
27 of this ordinance stating that the applicant understands the rules
28 and agrees to abide by them.

29 (C) Posted a \$100 bond with the Planning, Zoning and
30 Building Department as security for any costs which might be
31 incurred by the County caused by the applicant's non-compliance
32 with this ordinance.

33 (D) Provided a letter signed by the owner of the property
34 contiguous to the road right-of-way indicating no objection to
35 the proposed use.
36

1 SECTION 5 - CONDITIONS OF PERMITS:

2 All permits granted by the Planning, Zoning and Building
3 Department shall:

4 (A) Designate the location at which the seller may
5 operate, which location must be acceptable to the Planning, Zoning
6 and Building Department.

7 (B) List any special conditions necessary to protect
8 the public from undue risk of harm.

9 (C) Obligate the seller to keep the area free from
10 garbage and litter and comply with all health laws which may be
11 applicable.

12 (D) Authorize hours of operation between one hour after
13 sunrise to one-half hour before sunset only.

14 (E) Require that at the close of business for the day all
15 equipment used in the operation be removed from the road right-of-
16 way for the night and not be replaced until the next authorized
17 time of operation.

18 SECTION 6 - REVOCATION OF PERMITS:

19 All permits granted by the Planning, Zoning and Building
20 Department shall be valid for not longer than one year and may be
21 revoked at any time before one year by sending a certified letter
22 to the applicant stating the permit termination and the reason
23 for the termination. Permits may be terminated if the permitted
24 operation becomes a threat to the public health, safety and wel-
25 fare or if the applicant otherwise violates this ordinance.

26 SECTION 7 - APPEAL:

27 An appeal may be taken from any permit revocation or denial.
28 Within 7 days after the receipt of the denial or revocation, the
29 applicant shall deliver to the Director of the Planning, Zoning
30 and Building Department a written request to appeal. The Director
31 shall thereupon forward this request to the Board of County
32 Commissioners to be placed on the agenda at the next regularly
33 scheduled County Commission meeting.

34 SECTION 8 - VIOLATION OF ORDINANCE:

35 Violation of this ordinance shall be a misdemeanor punish-
36 able according to law.

1 SECTION 9 - EFFECTIVE DATE:

2 The provisions of this ordinance shall become effective
3 upon receipt of acknowledgement by the Department of State, State
4 of Florida.

5 APPROVED AND ADOPTED by the Board of County Commissioners
6 of Palm Beach County, Florida on the 24 day of October,
7 19 78.

8 PALM BEACH COUNTY, FLORIDA, BY ITS
9 BOARD OF COUNTY COMMISSIONERS

10 By [Signature]
11 Chairman

12 Acknowledged by the Department of State, State of Florida, on the
13 26th day of October, 19 78.

14
15 EFFECTIVE DATE: Acknowledgement from the Department of State
16 received on October 30, 19 78 at 1:15 P.M.
17 and filed in the Office of the Clerk of the Board of County
18 Commissioners of Palm Beach County, Florida.

19
20
21 APPROVED AS TO FORM AND
22 LEGAL SUFFICIENCY

23 By [Signature]
24 County Attorney